

July 27, 2009

Sec. Catrice C. Williams  
Secretary to the Department of Telecommunications and Cable  
Two South Station-4th Floor  
Boston, Massachusetts 02110.

REF: Public hearings to receive comments pursuant to the Regional Service Quality Investigation in WMASS.

ITEM: D.T.C. 09-1

Unless I am named an intervenor, I shall let my written comments stand for the moment. I may take other action as I deem necessary to ensure that improved service will be offered, oversight in both residential and business along with a call for OVERSIGHT in the wireless industry not only limited to Verizon but all other vendors offering service in Massachusetts.

Also, I am of the opinion that WMASS including Berkshire County is not receiving full benefits that other customers are experiencing or asking for in other parts of the Commonwealth.

NEWS ITEM: Verizon is reported to be laying off **8,000** people by the end of the year. This tells me that Verizon leadership is satisfied with their product and they are going to outsource bits and pieces of their responsibility to the Commonwealth.

Thus as an intervenor I have called for a program to be put in place with a time and date certain, issues of long distance and local calls charges in and out of Housatonic and Hancock, the creation of an oversight committee to review cell phone usage and billing across the board and not limited to Verizon.

Verizon has a monopoly on landlines in the Commonwealth.

There were reports that Verizon while dumping their service in Vermont, New Hampshire and Maine to Fairpoint, were considering ridding themselves of WMASS.

They simply want the profit centers of Massachusetts and the northeast.

I am surprised that there is a Regional Service Quality Investigation noting that except for a few hamlets that most issues have or are being dealt with. Which leaves me with the impression is that there are no grave issues, the DTC will offer a "bill of health" and suggest that the issues are minor and that the 413 services is adequately equipped.

NOT SO. This will set the stage for once again ridding themselves of the 413 area that was rumor, but may yet come to fruition.

413 is not a stand-alone entity. It cannot survive by itself in the four counties- since each is independent and there is virtually no sharing of services or issues with the exception of the transport and housing of inmates in the various county houses of correction.

This leads me to the issue of why prisoners are forced to pay a premium price for outgoing calls from the respective jails? Are they not entitled to communicate at the same fee as a person outside the facility and aren't calls charged within an institution on the same tariff plans as residential or for that matter commercial. I am told they pay a high rate beyond commercial. This certainly is not fair and possibly could be a denial of one's right to communicate with their families and lawyers-without being convicted of a crime- at a rate that would set most of us apart.

One former inmate told me it costs approximately \$3.50 to make a collect call from the jail to his home in Pittsfield. According to him, there is no ability to make local calls.

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And for the rest of the comments, I pick up from the letter addressed to Sec. Catrice C. Williams, which I used as grounds for being named an intervenor:

This is a petition for leave to intervene that must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03.

I, George C. Jordan III of 138 Walker St., Lenox, a reporter and the owner of The Berkshire Beacon, do request that I be granted the status of intervenor.

A resident of Berkshire County for 32 years and as the operator of a small business and the observer to many changes in Berkshire County and especially those involving Verizon. Namely:

- Having Verizon or NYXX remove said telephone poles on the Ventfort Hall property, Lenox, and installing free wire and service to the building.

- Having Verizon supply DSL to my office in LenoxDale

- Maintaining a cordial, but business relationship with Verizon officials.

- Seeking to have Verizon clean up and sandblast the CO building in Lenox, fix steps for their employees, improve roadway and existing parking for employees etc.

- Seek to have FIOS brought first to LENOX as a model community in Western MASS.

Been critical that ratepayers in Housatonic-part of Great Barrington-have a different rate structure and the inability to dial local calls as opposed to ratepayers in Great Barrington.

Also, that Hancock is part of Massachusetts yet Verizon charges long distance for calls to the area. I have Call-Around 413, yet the company charges me a long distance charge. Not right. It is illegal.

As to how I am affected: The company building has been an eye-sore in Lenox on the main road (Walker Street) to Tanglewood, it has been slow in removing tariffs on various communities as mentioned and has no announced plans to bring fiber to The Berkshires.

NOTE: The building was once a red brick; later change to a white paint that is peeling. To today, Lenox as an historic village with an approved Historic District, the phone company's building is an eyesore.

If we agree that we have an older population and that population today is served by Time Warner (cable) out of New York, then is it reasonable to assume that they have a monopoly that would not exist if Verizon had a plan to bring fiber to The Berkshires and thus offer us a choice for television reception and improved internet service.

Yes, I and others, are negatively impacted.

When I moved to South Lee in 1977 we had pulse dialing, then when I moved to Lenox we had the start of direct dial (tone) and later Pittsfield office was converted not for the population but for General Electric to the latest service.

Today we have fiber up and down the Massachusetts Turnpike that is not fully used. We have the technology to utilize wireless means to integrate remote areas.

We are not the distant cousins of the Commonwealth; we are people seeking the same commitment and the same service as those in the eastern part of the Commonwealth.

Do we have it today? No.

Can we get it tomorrow? Yes, we can force the telephone company to present a plan for parity of service and calls from various towns, we can demand DSL conductivity and we can demand that FIBER be the connecting force along with upgraded switches that will route our calls, and provide us with the technology for tomorrow.

If this is not enough, then we can examine line by line the monthly expenses incurred by ratepayers and telephone subscribers. We can see that Verizon sold the Yellow Pages, which were the "Mother Lode" of income, and under their banner they are responsible for the service, the lines to the interface box.

Yet, the truth is they only really care about wireless, which is above tacit regulations by the DPU, and have found a niche with fiber.

The sad and perhaps not illegal is the cavalier approach that the Department of Telecommunications and Cable has taken toward WIRELESS.

There is no accountability or regulation of the industry.

Wireless just appeared one day. People could not buy the phone, sign up for a two-year commitment and be charged outrageous prices fast enough.

If they couldn't pay the contract rate monthly they were turned off and yet the phone company no doubt went after them for their monthly bill and

their commitment to keep the contract at \$175.00 for two years. There were no winners here....well may be, just may be the person, who got to make the calls that never stopped.

Where was the re-dress?

Where was the protection of the consumer?

Hasn't the Commonwealth had strict rules and regulations governing landlines, electrical transmission lines, service to the poor etc.?

This reminds me of a parallel case that is hitting Wall Street. Where were the overseers from within-investment bank managers, the SEC, the congress our own Commonwealth's securities regulations in part by the secretary of state, the inspector general and even the attorney general?

Talk about an industry that has "raped" consumers and no one is looking back. The more toys one wants, the more features sought, the more it costs.

I think back to the 50s, 60s, 70, 80s, and into the 90s when people had a hard time coming up with \$10, \$15, and \$20 for their phone bills. If you didn't have the money, the phone company was willing to be helpful. Certainly the old DPU was always catching an ear full of reasons why people couldn't pay.

Today, landline costs are expensive-not for the actual use, but all the add-on costs of services.

How much money is funneled to their respective uses as outlined? Not many. Today, we need an accounting of collection and where the monies are disbursed.

Change may be coming with a closer view of what we got and for what we are being charged. There may not be a free lunch, but there cannot be a continuation without accountability by the phone company who is FULLY accountable to the DTC.

What they have lost in the transition is their ability to communicate with the homeowner; the small businessman and the multitudes that monthly pay their bills. Even with direct billing ACH, they want more, but are providing less service.

There are horror stories to be sure regarding service. This is probably Egremont's gripe. I don't have an issue with it-personally.

I like to think that my voice is heard around WMASS and probably to Boston and to New York.

Why do I say it? Three years ago when I was upset by the CO building in Lenox I sent out an SOS. At that time I was a member of the Lenox Historic Commission. Finally a supervisor came up from New York City when his agents from WMASS couldn't satisfy me on an explanation of "We don't have money in our budget."

I said I have heard all that. Give me a date and time certain.

And that Secretary Williams is what we want from Verizon and you as an overseer. A commitment to quality and expansion as it relates to The Berkshires and WMASS.

Sincerely,

George C. Jordan III

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**1.03: Appearances; Intervention and Participation: Parties**

(1) Intervention.

(a) Any person who desires to participate in a proceeding shall file a written petition for leave to intervene or to participate in the proceeding.

(b) Form and Contents of Petition. The petition shall state the name and address of the petitioner. It shall describe the manner in which the petitioner is substantially and specifically affected by the proceeding. It shall state the contention of the petitioner, the relief sought and the statutory or other authority therefor, and the nature of the evidence the petitioner will present if the petition is granted.

(c) Filing and Service of Petition. Unless otherwise provided in the notice of hearing, the petition must be filed at least seven days prior to the date for hearing. No petition may be filed or will be acted upon during a hearing unless permitted by the Commission or the presiding officer after opportunity for all parties to object thereto. The petition must be served as required under 220 CMR 1.05(1).

(d) Answers to Petitions. A party may file an answer to a petition within five days after the petition is filed.

(e) Action on Petitions. The Commission, or the presiding officer, shall rule on all such petitions and may grant a person leave to intervene as a party in the whole or any portion of a proceeding or may allow a person who is not a party to make limited appearance by making an oral or written statement of his position on the issue, or by such other participation as the Commission or the presiding officer may determine. Such grant may be conditioned on such terms as the Commission or presiding officer may direct. No grant of such leave to intervene or participate shall be deemed to constitute an expression by the Department that the person allowed to participate is a party in interest, who may be aggrieved by any final decision, order or ruling, unless the grant explicitly so states.

- (2) Parties. As used in 220 CMR 1.00, "party" means;  
(a) the specifically named persons whose legal rights, duties or privileges

Written comments intended to be part of the evidentiary record in any subsequent adjudicatory hearing must be signed and accompanied by an affidavit attesting to the veracity of the facts contained therein.

Thus, I sign under pains of perjury, that the foregoing is the best information available to my knowledge as of this date, July 27, 2009.

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George C. Jordan III